S.B. CIVIL WRIT PETITION NO.8783/2005
Dr. Prem Chand Meena & Ors.
Vs.
State of Raj & Anr.

DATE OF ORDER : 25.5.2007

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

. . .

Shri Sumer Singh for the petitioners.
Shri B.S. Chaba Dy.GA for the State.

Heard learned counsel for the parties.

Learned counsel for the petitioner has relied on the judgment of this court passed in Dr. Vedwati Pareek & Ors. Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition no.755/2007 decided on 23.6.2005) whereby similar writ petition was allowed. Based on that judgment, subsequently, another writ petition being S.B. Civil Writ Petition No.281/1997 was also allowed on

22.8.2005.

In the first judgment, this Court had directed as under :-

> “As a result of the aforesaid discussion the writ petition succeeds and the same is allowed. The respondents are directed to pay to the petitioners, who are PG students of Indian System of Medicines (Ayurveda), the monthly stipend at Rs.7600/- for the first year, Rs.7800/- for Second Year and Rs.8000/- for the Third Year along with DA thereon if the same is payable to the PG students of Modern System of Medicines (Allopathy). The petitioners shall be entitled for these benefits with effect from the date of filing of the writ petition. The arrears of stipend is to be paid to the petitioners within a period of one month from the date of receipt of the copy of this order. The petitioners, though also prayed for grant of interest on the arrears at the rate of 18% per annum, but I do not find any ground to pay any interest to them in their favour.
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> It is made clear that all other PG students of Indian System of Medicines (Ayurveda) shall be entitled for the benefits of the stipend at higher

> rate from the date of this order, irrespective of the fact that they are not before the Court.
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> In the facts of this case, I consider it to be a fit case for awarding the exemplary costs in favour of the petitioners and against the respondents. The respondent State of Rajasthan is directed to pay Rs.1000/- as costs of this writ petition to each petitioner. The amount of costs is also to be paid to the petitioners within the period aforesaid."

Shri B.S. Chaba, learned Dy.GA could not controvert the position that the present controversy is squarely covered by the aforesaid decisions.

In the facts of the case, it is directed that the petitioner shall be entitled to the same relief but the direction with regard to the award of of sum of Rs. 1000/- as cost to each of the petitioner shall not be applicable to the petitioners in the present case. The

respondents are however directed to pay to the petitioner the arrears consequent upon compliance of this judgment within a period of one month. In case, the payment of arrears is not made within the period as aforesaid, the petitioner will be entitled to get the interest @ 6% per annum thereon.

In this view of the matter, I find substance in the submission of counsel for the petitioner.

The writ petition is accordingly allowed.

(MOHAMMAD RAFIQ),J.

Skant/-